



CONDITIONAL USE PERMIT PROCESS GUIDE

Conditional Use Permits

What is a Conditional Use Permit (CUP)?

A Conditional Use Permit is a discretionary action that authorizes a specific land use, not otherwise permitted in the zone, to occur, subject to specific conditions. A use permit is typically granted because of unusual site characteristics or the need to give special consideration to the property location and the development of the community. It is based upon a determination of compatibility with surrounding land uses and identification of site constraints making permitted uses unattractive.

When do you need a Conditional Use Permit?

The City of Chula Vista Zoning Ordinance (Title 19) identifies certain land uses which do not precisely fit into existing zones, but which may be allowed upon approval of a conditional use permit. Planning staff can assist you in determining whether your proposed use requires a CUP.

How to get a Conditional Use Permit

The following Process Flow Charts illustrate the key steps in the development review process as described in more detail below.

[\(Process Flow Charts – Administrative Process\)](#)

[\(Process Flow Charts – Public Hearing Process\)](#)

Pre-Application: We recommend that the first thing you do is request a Pre-Application meeting. The purpose of this optional meeting is to give you the opportunity to meet with representatives from various City departments/divisions to identify and discuss any major issues at an early stage of the project. For more information call 619-691-5101 or visit the Development Services counter located in the Public Services Building 200 at 276 Fourth Avenue (northwest corner of Fourth and F Street, downtown Chula Vista).

Application: The applicant must complete a Development Processing "[Application Form, Type A](#)". The completed form must be filed with the Planning Division and must be accompanied by the required fee ([pdf](#)), plans and other attachments. Refer to the "[Application Checklist](#)" for complete submittal requirements.

Pre-Submittal and Completeness Check: Prior to submitting a full application package, applicants are encouraged to schedule an optional pre-submittal meeting with the Project Manager regarding the project. One copy of a completed application form, a set of the project plans and other documents (previously specified by the Project Manager), should be provided by the applicant at the meeting. The purpose of the meeting is to verify that the application package includes all the necessary information required for processing the request as outlined in the application checklist ([pdf](#)). The completeness check ensures that a project application is complete before it's routed for review and comment by other departments/divisions and the Project Manager. The Project Manager will conduct the completeness check of the application package.

Complete Application: A project application will be deemed complete for processing if all the materials submitted meet the requirements of the submittal checklist for the application type. If the application is deemed complete, the application checklist will be initialed by city staff (Project Manager or Senior Planner) and provided to the applicant at the Pre-submittal meeting along with instructions for a full submittal as outlined in the applicable application checklist. The applicant and Project Manager will schedule a meeting, at the earliest possible time, to formally submit the required number of copies of the application package for intake.

Incomplete Application: If the application is incomplete, the Project Manager or Senior Planner will outline the missing items on the application checklist and schedule a follow-up meeting with the applicant to confirm the incomplete items have been satisfied and to initial the checklist. Re-submittal of an incomplete application will be given to the original Project Manager or Senior Planner who conducted the first completeness check to do a second completeness review. Once the application is deemed complete, the application will be submitted to intake and routed for City department review and processing.



CONDITIONAL USE PERMIT PROCESS GUIDE

Walk-in Submittals: In instances where no pre-application meeting was held, no previous contact with city staff has been made, and a Pre-Submittal meeting was not scheduled, a Senior Planner will perform the completeness check and subsequently assign to a Project Manager. The application will be logged in but the completeness check may take from two weeks to 30 days to complete. Upon review of the application, the Senior Planner will contact the applicant pursuant to one of the processes described above.

Project Review: Once the application is deemed complete, the application and projects plans are routed to City Departments for review and, if applicable, to outside agencies such as the school districts or water districts. Processing times vary depending upon the complexity of the project, additional studies and/or information needed to address staff questions, and environmental review status. Generally, however, 3-4 weeks after the application has been filed, the applicant will be notified of staff comments for the project plans. If deemed necessary, staff will arrange for a project review meeting with the applicant and representatives from other city departments to discuss the comments in detail. The project review may require additional submittals to respond to comments and corrections required for compliance with the City's regulations and development standards.

Also, upon submittal of a complete application and distribution to City Departments for review and comment, a Notice of Application (NOA) will be sent to property owners within 500 feet of the project site and to a list of Interested Parties who have requested such notification. Depending upon the level of interest in the project or if the project is subject to the consolidated hearing process ([CVMC 19.14.050](#)), a community meeting may be scheduled for the project ([Council Policy 400-02 - Public Participation](#)).

Following project evaluation and completion of environmental review, final plans and exhibits will be prepared by the applicant for consideration or public hearing

Decision Making: Depending on the type of project, its impacts or potential controversy, the Zoning Administrator (ZA) may be able to make the decision either administratively or through a public hearing. In other cases, the project must be heard by the Planning Commission (PC) or Chula Vista Redevelopment Corporation (CVRC) and, in limited instances, by the City Council.

Required Findings:

Regardless of the decision maker, a CUP can only be granted if the following findings can be made:

- That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community; and
- That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
- That the proposed use will comply with the regulations and conditions specified in this code for such use; and
- That the granting of this conditional use will not adversely affect the general plan of the city or the adopted plan of any governmental agency.

Administrative Items:

The types of conditional use permit applications that may be considered by the ZA administratively and without a public hearing include, but are not limited to:

- Uses which do not involve new building or substantial structural improvements
- Uses which would utilize an existing building without substantial remodeling

For a complete list please see [CVMC 19.14.030\(A\)](#)

In approximately 4-8 weeks after an application has been deemed complete and if environmental review is not required, a copy of a draft Notice of Decision (NOD) will be provided to the applicant prior to the consideration date for review. Notification of pending decision will be provided to property owners and tenants within 500 feet of the project site and to those interested parties who have requested to be notified. In the event no objections or protests are received, the ZA will approve, conditionally approve or deny the request. After the project is approved, the final NOD will be sent to the applicant for signature, and to any interested party who requested a copy. The NOD will also be posted on the City's website. In the event objections or protests are received, the ZA shall set the matter for public hearing before the ZA or at the discretion of the ZA; the matter may be referred to the PC or CVRC.



CONDITIONAL USE PERMIT PROCESS GUIDE

Public Hearing Items:

Conditional use permits that require a public hearing may be considered by the ZA, PC or CVRC (for projects located within designated redevelopment areas) and, in limited instances, the City Council will be the decision maker. Refer to [CVMC 19.14.040, 19.54](#) or the zoning district where your project is located to determine the appropriate decision maker.

After project review, including environmental clearance, the project will be scheduled for public hearing. The applicant will be notified of the date of public hearing. The project architect/designer and the applicant or a designated representative should, in all cases, attend the meeting. A copy of a draft Conditions of Approval will be provided to the applicant prior to the public hearing. Notification will be provided to property owners and tenants within 500 feet of the project site, and to interested parties who have requested to be notified.

Meetings of the PC are held the second and fourth Wednesday of each month beginning at 6:00 p.m. CVRC meetings are held on the second and fourth Thursday of each month beginning at 4:00 p.m. Public hearings before the ZA follow the same procedures for the PC and CVRC but can be scheduled any day of the month. All meetings are noticed and open to the general public. After conducting a public hearing, during which time the applicant and other interested parties may speak, the ZA, PC or CVRC may approve, conditionally approve or deny the request.

Consolidated Hearings: Pursuant to [CVMC 19.14.050\(C\)](#), for projects that require more than one permit or other approval for a single development (e.g. design review, conditional use permit, and a rezone), the applications shall be consolidated for processing and shall be reviewed by a single decision maker or decision-making body. The consolidated application shall be heard by the decision maker or decision-making body associated with the highest level action among the applications to be considered. The findings required for approval of each permit shall be considered individually, consistent with CVMC Sections 19.14.080; 19.14.190 and/or 19.14.582(E) as applicable. For projects subject to design review and that are consolidated to a higher decision making level, one member of the Design Review Board (DRB) or the CVRC (if located within a designated redevelopment project area), with design expertise, may advise the staff on the design aspects of the project prior to the public hearing. The recommendations will be included in the staff report to the decision making body at the highest level.

Appeals of Decisions: Pursuant to the [CVMC 19.14.100](#) and [19.14.110](#), an interested party may appeal the decision of the ZA, PC, or CVRC to the City Council. The appellant must be an interested party. An interested party means a person who was present at a public hearing from which an appeal arose, and who had filed a speaker slip with the decision maker at that public hearing, or a person who expressed an interest in the project in writing to that decision-making body before the close of the public hearing or a decision on an action from which an appeal may be filed. The appellant must file a complete appeal application form (pdf) within the specified appeal period (10 business days after the decision has been made), complete the Disclosure Statement, and pay the required fee. The appeal will then be scheduled for a hearing by the City Council within 30 days.

Possible requirements for Public and Private Improvements: Applicants for development projects, including additions and interior/exterior remodels, and some proposals involving a change in land use, are advised that they may be required to install and /or modify on- and off-site public and private improvements and pay impact fees. Improvements may include on-site structures, paving and landscaping, and requirements to dedicate, improve and/or modify streets and other public facilities off-site. Fees may include sewer, traffic and development impact fees. The necessity for or exact extent of these requirements and fees, if any, are generally not known until an application has been filed and routed for review and comment to the various City departments and outside agencies. Applicants are encouraged to contact the City regarding the possibility for and the general extent of these requirements at the earliest possible stage of project consideration.

Environmental Review: A conditional use permit is a discretionary action and requires review for compliance with the California Environmental Quality Act (CEQA). Projects will either be determined to be exempt from CEQA or will require environmental review involving the processing of an Initial Study or Environmental Impact Report, which will extend the processing time frames. Environmental review can be processed concurrently with the conditional use permit; however, action on the conditional use permit may not occur until the environmental process is complete. Staff should be able to determine whether or not environmental review will be required at the pre-application meeting. A separate application form and deposit are required for environmental review ([pdf](#)).